FACT SHEET

ELAINE M. HOWLE
State Auditor

Date: **October 26, 2006** **Report:** **2005-137**

The California State Auditor released the following report today:

California Public Schools

Compliance With Translation Requirements Is High for Spanish but Significantly Lower for Some Other Languages

BACKGROUND

The California Education Code, Section 48985, requires that when 15 percent or more of the students enrolled in a public school that provides instruction in kindergarten through grade 12 speak a primary language other than English at home, all notices sent by the school district or school to the parents of such a student must be provided in that language as well as in English.

About half of California's 10,100 public schools had at least one primary language that required translations in fiscal year 2004–05. This report examines California public schools' compliance with the state translation requirements.

KEY FINDINGS

- Although finding a high compliance rate of 91 percent for required Spanish translations for the notices for which we received survey responses, compliance rates dropped significantly for other languages. For example, Mandarin and Hmong translations are only 54 percent and 48 percent, respectively.
- Various reasons were found for lower compliance rates of other languages:
  - ✦ Some schools were not aware of state translation requirements.
  - ✦ Some school districts may use incorrect methods to identify the languages requiring translations.
  - ✦ Some schools believe there is little demand for translated notices.
  - ✦ A few schools would need additional funding to meet state translation requirements.
- The California Department of Education (department) created an Internet-based electronic clearinghouse for multilingual documents on which local education agencies and the department can post links to translated parental notices. Despite the department's efforts to promote the clearinghouse, it has not achieved much participation from school districts.
- Recent legislation—Chapter 706, Statutes of 2006—revised state law to require the department to take a larger role in ensuring that public schools comply with the state translation requirements. The department must notify districts by August 1 of each year of the schools within each district, and the primary languages other than English, for which the translation of notices is required under state law.

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California State Auditor

BUREAU OF STATE AUDITS

California Public Schools:

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October 2006
2005-137

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CALIFORNIA STATE AUDITOR

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October 26, 2006 2005-137

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the California Department of Education's (department) and California public schools' compliance with California Education Code, Section 48985 (state translation requirements), which requires that when 15 percent or more of enrolled students speak a single primary language other than English, all materials sent to the parent by the school or school district must be provided in that language as well as in English.

This report concludes that compliance with the state translation requirements is high for Spanish, but significantly lower for some other languages, for a variety of reasons. For example, some schools are unaware of this state law or may use incorrect methods to identify languages that require translations. In addition, some school districts do not comply with state translation requirements because they believe there is little demand for translated notices. Although state law has not historically required the department to inform schools of the state translation requirements or to monitor their compliance with these requirements, the department has a process that may assist schools in meeting these requirements. Moreover, recently enacted legislation revises state law to require the department to take a larger role in ensuring that public schools comply with the state translation requirements. Finally, pursuant to state law, the department created an Internet-based electronic clearinghouse for multilingual documents on which school districts and the department can post links to translated parental notices. However, despite the department's efforts to promote the clearinghouse, it has not achieved much participation from school districts.

Respectfully submitted,

Elaine M. Howle

ELAINE M. HOWLE
State Auditor

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SUMMARY

Audit Highlights . . .

Our review of the California Department of Education's (department) and California public schools' compliance with California Education Code, Section 48985 (state translation requirements) revealed the following:

- ☑ ***Compliance with the state translation requirements is high for Spanish, but significantly lower for some other languages.***
- ☑ ***Some schools are unaware of this state law or may use incorrect methods to identify languages that require translations. In addition, some schools believe there is little demand for translated notices.***
- ☑ ***Although the department has a process that may assist schools in meeting these requirements, recently enacted legislation requires it to take a larger role in ensuring that schools comply with the state translation requirements.***
- ☑ ***The department created an electronic clearinghouse for multilingual documents, but it has not achieved much participation from school districts.***

RESULTS IN BRIEF

In fiscal year 2005–06, the California Department of Education (department) reported that of the State's 6.3 million public school students, 2.7 million, or nearly 43 percent, spoke a primary language other than English at home. Moreover, almost 1.6 million of these students were also considered limited English proficient (English learners). These students lack the English language skills in listening comprehension, speaking, reading, and writing necessary to succeed in their schools' regular instructional programs. Over the past 40 years, federal and state courts, Congress, the California Legislature, and the voters of California have considered how best to educate English learners.

In the summer of 1975 the federal Department of Health, Education, and Welfare issued guidelines to all 50 states indicating, in part, that school districts have the responsibility to effectively inform the parents of students who speak a primary language other than English of all school activities or notices that are called to the attention of other parents, and that such notice must be provided both in English and in the primary language. The California Legislature responded to these federal guidelines in 1976 by adding Section 48985 to the California Education Code (state translation requirements). This state law requires that when 15 percent or more of the students enrolled in a public school that provides instruction in kindergarten through grade 12 speak a single primary language other than English at home, all notices sent to the parents of such a student by the school district or school must be provided in that language as well as in English. This report examines California public schools' compliance with the state translation requirements.

About half of California's 10,100 public schools had at least one primary language that required translations in fiscal year 2004–05, and we found that compliance for fiscal year 2005–06 was high for Spanish. Specifically, a survey we sent to 359 schools, to which 292 schools responded, indicated that schools are providing required Spanish translations for 4,136 of 4,534, or 91 percent, of the notices for which we received responses, while for 1,134 notices we did not receive a response. However, compliance rates drop significantly for some of the languages other than Spanish. For example, our survey indicates

that schools are providing Mandarin and Hmong translations for only 54 percent and 48 percent, respectively, of the notices for which we received a response. We did not receive responses regarding the translations of 36 and 18 notices in Mandarin and Hmong, respectively. We found a variety of reasons for these lower compliance rates. For example, 16 percent of the survey respondents were not aware of the state translation requirements. In addition, some schools may not be meeting state translation requirements because their districts may use incorrect methods to identify the languages requiring translations.

Furthermore, some school districts and schools do not comply with state translation requirements because they believe there is little demand for translated notices. When calculating whether a language meets the 15 percent threshold, schools should use information from the home language survey, which the department designed mainly to identify the primary language that a student speaks at home. However, this survey may overstate the need for translations because it does not account for bilingual parents. For example, although Tagalog was the primary language spoken at home by nearly 40 percent of the students during fiscal year 2004–05 at one of the schools we visited, a survey initiated by the school's principal in June 2006 resulted in less than 6 percent of parents requesting that notices be sent home in Tagalog. Finally, a few of the districts we visited stated that they would need additional funding to meet the state translation requirements.

Although state law has not historically required the department to inform California public schools of the state translation requirements or to monitor their compliance with these requirements, the department's Categorical Program Monitoring process may assist schools in meeting these requirements. Moreover, Chapter 706, Statutes of 2006, which takes effect January 1, 2007, revises state law to require the department to take a larger role in ensuring that public schools comply with state translation requirements. In part, this legislation requires the department to begin notifying districts by August 1 of each year of the schools within each district, and the primary languages other than English, for which the translation of notices is required under state law. We believe that this legislation will help alleviate the condition that we noted in our survey and site visits whereby schools were not aware of the state translation requirements or incorrectly determined the languages that required translations.

Finally, pursuant to state law, in September 2005 the department created an Internet-based electronic clearinghouse for multilingual documents (clearinghouse) on which local education agencies and the department can post links to translated parental notices. However, despite the department's efforts to promote the clearinghouse, it has not achieved much participation from school districts. Specifically, 12 school districts and the department had posted links to translated notices on the clearinghouse as of mid-September 2006. In addition, 80 percent of the 230 translated documents available through the clearinghouse were available only in Spanish as of mid-September 2006. The value of the clearinghouse as a resource cannot truly be achieved without greater participation from school districts.

RECOMMENDATIONS

To ensure that translated notices are sent only to parents who need them, the department should modify the home language survey to include a question asking parents to indicate the language in which they would like to receive correspondence. To ensure that this modification does not conflict with current law, the department should seek legislation to amend state law to allow parents to waive the requirement that they receive translated materials in their primary language when they do not need such translations.

To increase the value of the clearinghouse as a resource for translated parental notices, the department should encourage school districts to form coalitions for the purpose of leveraging their combined resources to translate standard parental notices into the languages they have in common. In addition, the department should consider using its available funding to encourage districts to upload links to their translated documents, especially in languages that are currently underrepresented in the clearinghouse.

AGENCY COMMENTS

Although the department and the Salinas Union High, Red Bluff Union Elementary, and Brisbane Elementary school districts did not provide formal responses to this report, they informally conveyed to us that they were satisfied with the descriptions in the report pertaining to them. The Los Angeles Unified, San Diego Unified, Sacramento City Unified, Cupertino Union Elementary, and Fountain Valley school districts generally agreed with the findings in our report that pertain to their respective districts. ■

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INTRODUCTION

BACKGROUND

The California Department of Education (department) administers California's public education system at the state level, under the direction of the State Board of Education and the Superintendent of Public Instruction (superintendent). The primary duties of the superintendent and the department are to provide technical assistance to local school districts and to work with the educational community to improve the academic performance of California's public school students.

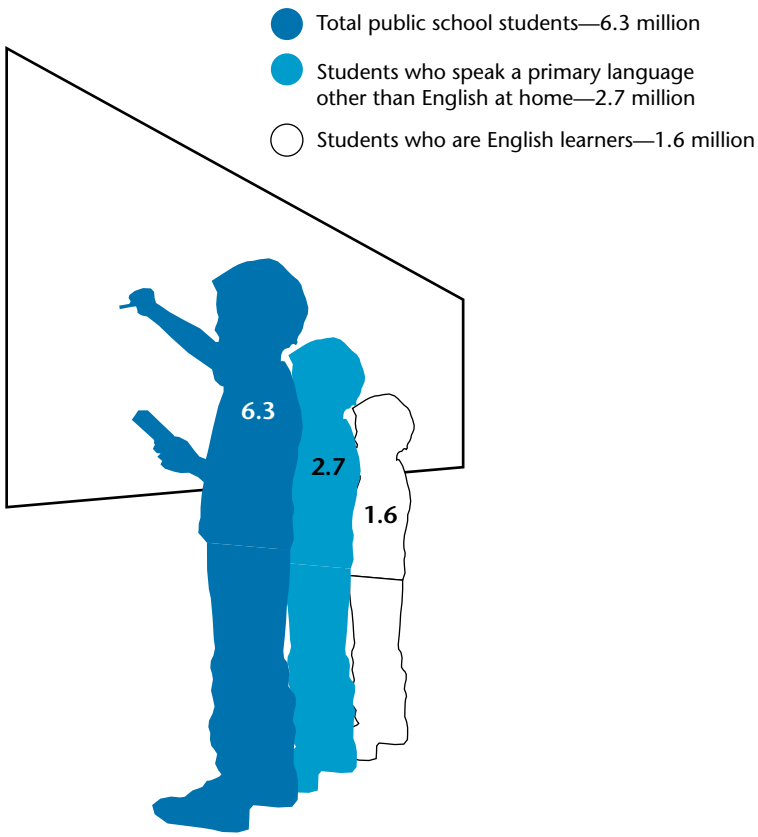
In fiscal year 2005–06 the department reported that of the State's 6.3 million public school students, 2.7 million, or nearly 43 percent, spoke a primary language other than English at home. Moreover, as shown in Figure 1 on the following page, almost 1.6 million of these students were also considered to be limited English proficient (English learners). These students lack the English language skills in listening comprehension, speaking, reading, and writing necessary to succeed in their schools' regular instructional programs.

Over the past 40 years, federal and state courts, Congress, the California Legislature, and the voters of California have considered the issue of how best to educate English learners. Generally, federal courts recognize that English learners have a right to equal access to education under the federal Civil Rights Act of 1964 (Civil Rights Act). Among other provisions, the Civil Rights Act prohibits federally funded programs from discriminating against individuals on the basis of race, color, or national origin.

In 1974, the United States Supreme Court (the Court) considered a class action suit originating from the San Francisco Unified School District alleging that the school district's failure to provide English language instruction and adequate instructional procedures to Chinese-speaking students violated the Civil Rights Act because it denied those students a meaningful opportunity to participate in the school district's public educational program. In its decision, known as *Lau v. Nichols*, the Court found that by failing to provide adequate English instruction, the school system denied these students the opportunity to obtain the education

FIGURE 1

A Significant Proportion of California's Student Population Speaks a Primary Language Other Than English


Total public school students—6.3 million
Students who speak a primary language other than English at home—2.7 million
Students who are English learners—1.6 million
6.3
2.7
1.6

Sources: California Department of Education's fall 2005 enrollment data and spring 2006 language census.

received by other students in the school system. The Court stated that "basic English skills are at the very core of what the public schools teach," and found that the school district had an obligation to take affirmative steps to rectify the language deficiency so that its instructional program would be available to these students. Subsequent to *Lau v. Nichols*, in the federal Equal Education Opportunity Act of 1974, Congress defined "impermissible denial of educational opportunity" to include "the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by students in an instructional program."

In the summer of 1975 the federal Department of Health, Education, and Welfare sent a memorandum to the chief school officers of all 50 states titled "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under *Lau v. Nichols*." These federal guidelines outlined "those educational approaches that would constitute appropriate 'affirmative steps' to be taken by a non-complying school district to 'open its instructional program' to students currently foreclosed from effective participation therein." The guidelines stated, in part, that "school districts have the responsibility to effectively notify parents of the students identified as having a primary or home language other than English of all school activities or notices which are called to the attention of other parents. Such notice, in order to be adequate, must be provided in English and in the necessary language(s) comprehensively paralleling the exact content in English."

Since 1976 state law has required school districts to hire a bilingual person to facilitate communication with parents or guardians when a minimum of 15 percent of the students enrolled in any school in a district speak a single primary language other than English. The legislative intent of this law was to remove some of the barriers to communication that these students and their parents faced. Also in 1976, in response to the federal task force's guidelines, the California Legislature took the further step of enacting Assembly Bill 1719, which added Section 48985 to the California Education Code (state translation requirements). The Enrolled Bill Report prepared by the Department of Finance for this bill referenced the federal guidelines just described and stated, "Assembly Bill 1719 simply adds to state statute an existing federal requirement." As shown in the text box, Section 48985 of the California Education Code requires that when 15 percent or more of the students enrolled in a public school providing instruction in kindergarten through grade 12 speak a single primary language other than English at home, all notices, reports, statements, or records sent to the parent or guardian of such a student by the school or school district must be provided in that language as well as in English. Chapter 706, Statutes of 2006, which takes effect January 1, 2007, revises this code section to require the department to inform public schools of these

State Translation Requirements

When 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 through 12 speak a single primary language other than English, as determined from the census data submitted to the department in the preceding year, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school or school district shall, in addition to being written in English, be written in such primary language, and may be responded to either in English or the primary language.

Source: California Education Code, Section 48985.

requirements and to monitor their compliance. The primary focus of this audit is whether California public schools comply with the state translation requirements.

Most recently the federal No Child Left Behind Act of 2001 reauthorized and updated Title I and Title III of the Elementary and Secondary Education Act of 1965, and in doing so reauthorized the general requirement that communications to parents be made in a language that parents understand to the extent practicable. For example, Title I states that reports about student academic achievement must be translated for parents to the extent practicable. Similarly, Title III states that schools must translate for parents information describing how a child was identified as an English learner and indicating his or her level of proficiency, as well as information disclosing when a school has not met annual measurable achievement objectives, to the extent practicable.

The California Legislature continues to believe that involving parents and guardians of students is fundamental to a healthy system of public education, that research has conclusively demonstrated that family involvement at home and at school leads to improved student performance, and that a lack of English fluency does not exclude a parent or guardian from the rights and opportunities afforded him or her through the public education system.

THE HOME LANGUAGE SURVEY IDENTIFIES PRIMARY LANGUAGES OTHER THAN ENGLISH

As we discussed previously, the State requires school districts and schools to send translated notices to parents whenever 15 percent or more of the students enrolled in a school speak a single primary language at home other than English. School districts should use a home language survey developed by the department to determine each student's primary language as part of the enrollment process. Specifically, when parents enroll their children at a new school, the school district should administer the home language survey, which contains a series of questions to assist the school district or school in identifying the primary language spoken at home.

If the home language survey indicates that a student's primary language is not English, the school should then assess the student's English language skills, using the California English Language Development Test (CELDT), which the State adopted in 2001. The CELDT assesses a student's listening, speaking, reading, and writing skills, as well as his or her overall proficiency. Using the

CELDT results, the school determines whether the student is fluent in English or is an English learner. Schools administer the CELDT to English learners annually to evaluate their progress in acquiring English language skills until they can be redesignated as fluent in English.

Formula for Determining Primary Languages Requiring Translations

School districts should use the following formula for each primary language other than English that is spoken at home by the students in each of their schools to determine whether parental notices must be translated into any such languages:

$$\frac{(A + B)}{C} = \%$$

Where:

A = The number of students who speak a primary language other than English and who are not fluent in English (English learners).

B = The number of students who speak a primary language other than English but who are fluent in English.

C = Total school enrollment.

Source: Based on the requirements of California Education Code, Section 48985.

By March 1 of each year, each school should complete a language census, using the information from the home language surveys to report the primary language of each student enrolled in the school and using the results of the CELDT to report on whether students whose primary language is not English are fluent in English or are English learners. School districts should send the results of their schools' annual language census to the department by April 30. Regardless of whether a student is classified as fluent in English or as an English learner, the law requires the primary language spoken at his or her home to be part of the calculation for each school to determine which languages meet the 15 percent threshold and therefore require translations. The text box illustrates the calculation that school districts should perform using language census data to determine the languages at each of their schools that require translations.

SCHOOL DISTRICTS AND SCHOOLS USE VARIOUS PROCESSES TO TRANSLATE NOTICES

The eight school districts we visited generally have in-house translation units to translate district-level notices, such as federally required teacher qualification notices, uniform complaint procedures, and truancy notices. District translation units also provide translation services to school sites on request, resources permitting.

We found that most of the 16 schools we visited use their own in-house bilingual staff to translate school-specific notices such as event announcements and school newsletters. Schools that do not rely on their bilingual staff to translate documents rely on their district's translation unit or do not translate school-specific notices. None of the 16 schools we visited hire contract translators.

The districts and four of the 10 schools that translated documents described to us the various ways that they prioritize translations. For example, the districts either gave a higher priority to documents used by more than one school or translated documents in the order received. According to the districts we interviewed, most district translation units have quality controls in place, such as a secondary review of translated documents; most schools providing translations have these controls also. These districts also asserted that translators hold college degrees in the languages translated, are certified, have passed a district exam, or are bilingual.

The school administrators we interviewed indicated that school sites generally have bilingual staff available to handle written or verbal responses from parents in languages other than English when the language exceeds 15 percent of enrollment. They stated that if a school does not have a bilingual staff member, it relies on bilingual district staff or parent volunteers to perform this function. The schools we visited also reported generally using information from their home language surveys to ensure that they were sending home notices in the appropriate language.

SCOPE AND METHODOLOGY

The Joint Legislative Audit Committee (audit committee) requested that the Bureau of State Audits determine whether the department and California public schools are in compliance with the state translation requirements. Specifically, the audit committee requested that we identify and evaluate the department's role, if any, in informing local education agencies of the state translation requirements and in monitoring and ensuring their compliance with these requirements. The audit committee also asked us, to the extent possible, to determine how pending legislation would affect the department's distribution of information and oversight of local education agencies' compliance with state translation requirements. Finally, the audit committee asked that we select a sample of districts or schools and identify and evaluate measures taken to include parents in their children's education, the process through which schools meet the state translation requirements, and the extent to which schools comply with these requirements.

To determine the department's role in informing public schools of the state translation requirements and in monitoring their compliance with these requirements, we reviewed the provisions of this state law. In addition, we interviewed

department staff and reviewed various supporting documents to obtain an understanding of the department's Categorical Program Monitoring process. We also obtained the results of the department's monitoring of schools' compliance with state translation requirements for fiscal year 2005–06. Finally, we evaluated the department's electronic clearinghouse for multilingual documents and its efforts to provide access to documents as well as to advertise their availability.

To determine how pending legislation would affect the department's distribution of information and oversight of local education agencies' compliance with state translation requirements, we monitored the status of Assembly Bill 680 and examined its provisions.

In order to determine schools' compliance with the state translation requirements, we surveyed a sample of schools with at least one primary language other than English that exceeded 15 percent of student enrollment. Refer to the Appendix for a detailed description of our survey methodology. We also selected the following eight school districts for review: Los Angeles Unified, San Diego Unified, Sacramento City Unified, Cupertino Union Elementary, Salinas Union High, Fountain Valley, Red Bluff Union Elementary, and Brisbane Elementary. We visited each of these districts and two schools within each district. In selecting this sample, we included districts of varying sizes, based on total student enrollment, and we also sought geographic diversity. In addition, we selected districts whose schools' students spoke nine different primary languages other than English, including Spanish, Vietnamese, Hmong, Cantonese, Filipino (Pilipino or Tagalog), Korean, Mandarin, Arabic, and Armenian.

The purpose of our survey and site visits was to determine whether schools were aware of the state translation requirements before the audit, are aware of the primary languages other than English that exceed 15 percent of their enrollment, are translating parental notices and information into required primary languages, and are using any alternate methods to communicate with parents who do not speak English. Another objective of our site visits was to determine the reasons school districts and schools might have for not complying with state translation requirements.

We excluded certain types of schools from our review. Specifically, we excluded charter schools because they are not subject to the state translation requirements; California Youth

Authority schools because they are not within the control of the department; and county office of education schools because they provide special and vocational education programs for youths at risk of failure and instruction to youths in juvenile detention, which are not typical school populations and are few enough not to affect our results. Finally, we did not include school notices or information related to special education in our review because the translation requirements and related time frames are more stringent for special education notifications. ■

AUDIT RESULTS

CALIFORNIA PUBLIC SCHOOLS DO NOT ALWAYS TRANSLATE REQUIRED PARENTAL NOTICES, BUT SOME ARE DOING MORE THAN IS LEGALLY REQUIRED

In about half of California's 10,100 public schools, at least one primary language other than English was spoken at home by at least 15 percent of students in fiscal year 2004–05. Therefore, these schools were required to translate all notices sent to parents into these languages, according to the requirements of California Education Code, Section 48985 (state translation requirements). Spanish was overwhelmingly prevalent among these primary languages, and our survey of 359 schools, of which 292 schools reponded, indicated that compliance with the translation requirements is high for this language. However, translation rates drop significantly for some other languages. We also found that schools sometimes translate parental notices into more languages than the State requires.

Compliance With Translation Requirements Is Significantly Higher for Spanish Than for Some Other, Less Prevalent Languages

We identified 5,419 schools that were subject to the state translation requirements for one or more languages in fiscal year 2004–05. As we discussed in the Introduction, this number excluded charter schools, California Youth Authority schools, and county office of education schools. Table 1 on the following page shows the distribution of all such languages by the number of schools and districts. The total number of schools is greater than 5,419 because some schools have more than one language that meets the 15 percent criterion.

We sent surveys to 359 of these schools, which we randomly selected, and visited eight school districts and 16 schools to determine whether California public schools are complying with the state translation requirements. The language profiles of our sample schools closely mirror the population depicted in Table 1. Our random sample yielded schools covering the following eight primary languages: Armenian, Cantonese, Hmong, Korean, Mandarin (Putonghua), Somali, Spanish, and

Vietnamese, in addition to the category "all other non-English languages," in proportions similar to those shown in Table 1. For example, Spanish was the most prominent primary language spoken at home by at least 15 percent of the students in the sampled schools and in the schools shown in Table 1.

TABLE 1

Aside From Spanish, Languages Requiring Translation Occur in a Small Percentage of Schools

Primary Languages Requiring Translations	Number of Schools in Which the Language Exceeds 15 Percent of Enrollment	Corresponding Percentage	Number of Districts for These Schools	Corresponding Percentage
Spanish	5,165	90.3%	609	82.6%
Cantonese	131	2.3	17	2.3
Vietnamese	126	2.2	18	2.4
Mandarin (Putonghua)	76	1.3	15	2.0
Hmong	61	1.1	16	2.2
Korean	43	0.7	16	2.2
Armenian	38	0.7	4	0.6
Filipino (Pilipino or Tagalog)	28	0.5	10	1.4
Somali	2	0.0	2	0.3
All other non-English	51	0.9	30	4.0
Totals	**5,721**	**100.0%**	**737**	**100.0%**

Sources: Fall 2004 enrollment data and spring 2005 language census data maintained by the California Department of Education.

Because Spanish is so prevalent in California, we would expect schools to have higher translation rates for this language than for other, less prevalent languages. Indeed, our survey results indicate that compliance with translation requirements is high for Spanish. Specifically, as detailed in Table A.1 in the Appendix, our survey indicates that schools are providing Spanish translations for 4,136, or 91 percent, of the 4,534 notices for which we received responses, while for 1,134 notices we did not receive a response. However, compliance rates drop significantly for some of the languages other than Spanish. For example, our survey indicates that schools are providing Mandarin and Hmong translations for only 54 percent and 48 percent, respectively, of the notices for which we received a response. We did not receive responses regarding the translations of 36 and 18 notices in Mandarin and Hmong, respectively.

Table 2 summarizes the results of our survey for required translations. Specifically, this table shows the number of notices that respondents translated, and those that they did not translate. In addition, this table shows that for certain languages we did not receive responses for a significant number of the notices that we asked about. Finally, this table also shows the number of notices for each language that responding schools reported not using.

TABLE 2

Compliance With Translation Requirements Is Higher for Spanish Than for Some Other Languages

	Spanish	Cantonese	Vietnamese	Mandarin (Putonghua)	Hmong	Korean	Armenian	Somali	All Other Non-English Languages
Number of notices translated by respondents	4,136	102	99	19	24	48	16	0	66
Number of notices not translated by respondents	398	46	19	16	26	2	0	0	36
Subtotals	**4,534**	**148**	**118**	**35**	**50**	**50**	**16**	**0**	**102**
Number of notices for which we did not receive a response	1,134	0	54	36	18	0	0	18	0
Subtotals	**5,668**	**148**	**172**	**71**	**68**	**50**	**16**	**18**	**102**
Number of notices responding schools reported not using	343	14	8	1	4	4	2	0	6
Total notices surveyed	**6,011**	**162**	**180**	**72**	**72**	**54**	**18**	**18**	**108**

Source: Table A.1 in Appendix.

Some Schools Translate Notices Into More Languages Than State Law Requires or Use Other Methods to Communicate With Parents

Schools sometimes translate notices into more languages than state law requires, as illustrated in Table A.2 in the Appendix. Spanish was again the most prevalent language for which schools reported providing translations. The 19 schools providing Spanish translations beyond those required by state translation requirements reported translating 223, or 72 percent, of the 309 notices used by these schools. However, schools provide significantly fewer translations for other languages. For example, Vietnamese was the second most prevalent language for which schools provided translations beyond those required by state

translation requirements. The 28 schools providing Vietnamese translations reported translating 176, or 39 percent, of the 455 notices used by these schools.

Some schools use alternate methods, such as computer-telephone systems, radio, and television, to communicate with parents who are not fluent in English.

In addition, several of the districts we visited were providing parental notices in languages that did not meet the 15 percent threshold. For example, the Fountain Valley School District (Fountain Valley) translates some of its notices into Spanish, Chinese, and Korean, in addition to Vietnamese, which is the only language that is spoken by at least 15 percent of the students at any of its schools. Likewise, San Diego Unified School District (San Diego) translates many notices into Lao and Cambodian, although these languages are not spoken by at least 15 percent of the students in any of its schools. In addition, the Los Angeles Unified School District (Los Angeles) provides Vietnamese translations that are not required by state translation requirements.

Beyond translating written communications into extra languages, some schools also use alternate methods to communicate with parents who are not fluent in English. As shown in Table A.3 of the Appendix, these methods include computer-telephone systems, radio, and television, which also help increase communication with illiterate parents. Our survey results indicated that computer-telephone systems, flyers, and newsletters are the most commonly used alternate methods.

In addition to the surveyed schools, several of the districts and schools we visited use alternate forms of communication to provide information to parents. For example, the Salinas Union High School District (Salinas) uses most of the forms of communication mentioned: an autodialer for announcements of school meetings and exams, the local Spanish television and radio stations, and a local Spanish newspaper, *El Sol*, for announcements. Sacramento City Unified School District (Sacramento) and its schools use Connect-Ed, a computer-telephone system, as an alternate way of communicating with parents who speak a primary home language other than English. Sacramento also has weekly scheduled time on Vietnamese, Russian, Hmong, and Mien radio programs to communicate with parents. Staff at Los Angeles' Ulysses S. Grant Senior High School (Grant High School) told us they use Sprintel, a computer-telephone system, to send messages to parents and also that they use *La Opinion*, a Spanish newspaper, to advertise a school orientation meeting at the beginning of the year.

The districts that we visited cited particular reasons for translating written notices into additional languages or using alternative delivery methods. For example, these districts mentioned institutional culture, demographic shifts, or available resources as explanations for providing translated notices when not otherwise required by state law. They gave similar reasons for using alternative delivery methods such as newspapers, television, or radio to disseminate information to parents.

CALIFORNIA PUBLIC SCHOOLS DO NOT ALWAYS TRANSLATE REQUIRED DOCUMENTS FOR A VARIETY OF REASONS

Although compliance with the state translation requirements is high for Spanish, translation rates drop significantly for some of the other languages, for a variety of reasons. For example, our survey and site visit results indicated that a portion of schools are unaware of this state law or use incorrect methods to identify languages that require translations. In addition, some school districts do not comply with state translation requirements because they believe there is little demand for translated notices. Furthermore, some schools may be administering the home language survey incorrectly, which could cause them to understate the number of languages that require translations. Finally, we found that poor planning on the part of schools and the time sensitivity of certain notices also lead to noncompliance.

Some Schools Are Not Aware of the State's Translation Requirements

Some schools may not be meeting their translation obligations because they are not aware of the State's requirements. According to our survey, 16 percent of the schools responding were not aware of this state law or its specific requirements. In addition, five of the 16 schools we visited, or 31 percent, were not aware of the law.

Some School Districts May Use Incorrect Methods to Identify Languages Requiring Translation

Some schools may be out of compliance with the state translation requirements because their districts use incorrect methods to identify languages that require translations. For example, Fountain Valley believed that none of its schools had any languages that exceeded the 15 percent threshold because it incorrectly calculated the percentage of students whose primary

language is not English. Specifically, Fountain Valley was excluding students determined to be fluent in English from its calculation, even though their primary language at home was not English, thereby understating the percentage of students who speak a single primary language other than English. As described in the Introduction, for purposes of determining the primary languages requiring translations at each of their schools, districts should add both the number of students who are not fluent in English and the number of students who are fluent in English that speak a single primary language other than English and divide the sum by the school's total enrollment. When this formula is applied correctly, Vietnamese is the primary language spoken at home by more than 15 percent of the students at three of Fountain Valley's schools and is therefore subject to the state translation requirements. Although Fountain Valley did not believe Vietnamese met the 15 percent threshold, it asserted that it was performing Vietnamese translations because this is the second most prevalent language in its district, and serving this community is a high priority for the district. However, a less proactive district might fail to translate required documents by using the same improper formula that Fountain Valley did.

One reason districts may not accurately determine the languages requiring translations is that they may be using incorrect methods to identify these languages.

Although San Diego is aware of the state translation requirements, it does not use the 15 percent threshold as the sole basis for deciding which languages to translate. According to San Diego staff, the district began translating Spanish, Cambodian, Lao, Vietnamese, and Filipino (Tagalog) in 1992, and started translating Somali in 2002. However, current district staff do not know how the district decided to translate those languages. According to San Diego, its current practice is to calculate the percentage of students in each of its schools who speak a single primary language other than English and to translate parental notices for languages that exceed 15 percent at any of its schools. District staff also stated that they will provide additional translations for any language for which they receive a significant number of requests from parents, such as Lao and Cambodian.

According to the state translation requirements, San Diego is required to translate Spanish, Vietnamese, Somali, and Tagalog. However, San Diego stopped translating Tagalog after 1999 due to a lack of requests for Tagalog translations from schools, even though Tagalog is the third most prevalent language in San Diego and meets the 15 percent threshold at 11 of its schools. While it is admirable that San Diego is translating notices into Lao and Cambodian, we believe it should allocate its resources first to translations required by state law. San Diego hired two hourly Tagalog translators in June and August 2006,

who have since translated San Diego's parent handbook and have begun translating its enrollment options catalog and other documents. San Diego plans to translate all mandated parental notices into Tagalog, but district staff explained that it will place priority on those documents that are time-sensitive, such as Title I program improvement letters, to ensure that these notices are translated before any required deadlines pass.

Although they both use the 15 percent criterion, San Diego and Los Angeles did not provide required translations in Tagalog and Farsi, respectively, during fiscal year 2005–06.

Los Angeles uses several criteria for determining which languages to translate. For example, if there are more than 1,000 English learners in Los Angeles who speak the same primary language, Los Angeles will provide translations for that language. In addition, Los Angeles will translate a language if the percentage of students whose primary language is not English is at least 15 percent for an individual school or group of schools (for example, a local district or cluster). As Los Angeles acknowledged, the 15 percent calculation at the school level is the one that is relevant to the state translation requirements. Using that criterion, Los Angeles is required to translate parental notices into Armenian, Cantonese, Farsi (Persian), Korean, Russian, and Spanish. However, Los Angeles currently does not provide Farsi translations. Although Los Angeles acknowledged that it should be providing Farsi translations, it stopped doing so in the summer of 2003 due to a lack of resources. According to Los Angeles, it is currently exploring various options for obtaining the necessary resources to provide Farsi translations in the future.

Los Angeles also translates Vietnamese, even though this language does not currently meet any of its criteria for providing translations. Although Los Angeles staff could not recall Vietnamese ever meeting the 15 percent threshold at any of its schools or groups of schools, there were more than 1,000 Vietnamese-speaking English learners in the district as recently as 2003. According to Los Angeles, it continues to provide Vietnamese translations because it still has the resources in place to do so. While it is admirable that Los Angeles is translating Vietnamese even though it is not required to do so, we believe that Los Angeles' resources should first be allocated to languages required by state law.

We also found that one district was translating documents into the required language but was not sending the translated materials to all the parents that it should. Fountain Valley translates most notices into Vietnamese, but its policy was to send these translated documents only to the parents of Vietnamese-speaking students classified as English learners. Fountain Valley did not send translated documents to parents

Fountain Valley was translating documents into the required language but was sending the translated materials only to the parents of English learners.

of students who are fluent in English unless requested, even though Vietnamese is the primary language spoken in these students' homes. The assumption that it is not necessary to send translated materials to parents whose children are fluent in English is flawed, because the parents, to whom the notices are addressed, may not be fluent. Clearly, there are many school communications, such as disciplinary notices, that would be inappropriate for students to translate for their parents. It is possible that other districts or schools that strongly correlate the need for translated documents with their English learner programs are also inappropriately excluding parents of students who are fluent in English in this manner. Fountain Valley has since added a question to its home language survey that asks parents whether they require translations of parental notices and, if so, in what language. It also added a similar question to the initial and annual notifications of program placement that it sends to parents of English learners.

Finally, we also observed that Cupertino Union Elementary School District (Cupertino), rather than actually sending translations of a certain document to parents, simply includes a note in various languages stating that translations are available upon request. However, this method does not meet the State's requirement that all notices subject to this law be provided in the required primary language in addition to English. Specifically, Cupertino has a note in Chinese, Korean, Spanish, and Vietnamese on its suspension notification form, instructing parents to contact the school if they cannot understand the intention of the form.

Some Districts Do Not Perceive a Demand for Translations

The results of our site visits indicated that some districts do not believe that it is necessary to send translated notices to parents, because there is little demand for them. For example, San Diego asserted that the main reason it stopped translating documents into Tagalog was a lack of requests for Tagalog translations from schools. Specifically, the district noted that, with the exception of the school accountability report card, it had not received a request for a written Tagalog translation for at least one year. Furthermore, although Tagalog was the primary language spoken at home by nearly 40 percent of the students enrolled at San Diego's Mary McLeod Bethune Elementary School (Bethune Elementary) during fiscal year 2004–05, a survey initiated by the principal in June 2006 resulted in only 5.6 percent of parents (or 28 parents) requesting that notices be sent home in Tagalog.

One Cupertino school does not send required Mandarin translations to parents because school staff rarely encounter parents in need of interpretation services and because the staff could not recall receiving a request for written translations in Mandarin.

Similarly, Cupertino generally does not provide Mandarin translations, even though this primary language is spoken by at least 15 percent of the students at several of its schools, because it perceives little demand for these translations. The principal at Cupertino's Kennedy Middle School (Kennedy) indicated that he was aware of the state translation requirements and that Mandarin exceeded the 15 percent threshold at his school, but he does not send Mandarin translations to parents because Kennedy staff rarely encounter parents in need of interpretation services and because he could not recall receiving a request for written translations in Mandarin. To further demonstrate the lack of demand for Mandarin translations, the principal stated that the school maintains a list of parent volunteers who are available to do Mandarin interpretations, but he could not recall ever having to use one of these volunteers. The principal also believes that most of the Mandarin-speaking parents of his students are highly educated and fluent in English or have someone who can explain documents to them.

Finally, two districts indicated that in addition to low demand, some parents actually resented receiving translated documents. For example, both San Diego and Fountain Valley recalled instances in which parents had called the district to complain that they did not want to be sent translated documents in Tagalog and Vietnamese, respectively. In addition, staff at Los Angeles' Hobart Elementary School told us that several of their Korean parents requested that the school send notices in English only, after having received them in Korean and English.

Nevertheless, it is inappropriate for districts to assume that there are no parents who need documents translated into the languages that meet the 15 percent threshold under state law. Without asking parents whether they require translations, districts and schools have no way of knowing what the actual demand is and therefore cannot justify sending documents home in English only.

Some Districts Are Using Responses From the Home Language Survey Incorrectly

Two of the eight school districts we visited are using responses from the home language survey incorrectly, possibly causing them to determine erroneously that they are not required to provide translations. The home language survey consists of

Questions on the Home Language Survey

1. Which language did your child learn when he/she first began to speak?
2. Which language does your child most frequently speak at home?
3. Which language do you (the parents or guardians) use most frequently when speaking with your child?
4. Which language is most often spoken by adults in the home?

Source: California Department of Education.

four questions, as shown in the text box. The first three questions focus on the primary language of the student, while the last one inquires as to the primary language spoken by parents at home. Guidance provided to districts by the California Department of Education (department) for administering the home language survey indicates that if a language besides English is indicated for any question on the survey, that language is to be designated as the student's primary language.

Although the fourth question is used when designating the student's primary language, it is not used to determine whether the district must assess the student's English proficiency through the California English Language Development Test (CELDT). For example, a parent may answer "English" to questions 1 through 3 but answer question 4 with a language other than English. In that case, the district would designate the non-English language as the student's primary language. The district would then research the language background of the student to determine whether or not to administer the CELDT.

However, Cupertino and Sacramento do not use the answer to question 4 when determining the primary language of their students. Therefore, these districts are potentially understating the number of students whose primary language is not English and thereby may be understating their calculation of languages that meet the 15 percent threshold.

This omission would have an effect only in limited circumstances. First, it would affect the calculation relevant to the state translation requirements only in situations in which a parent answered "English" to questions 1 through 3 but some other language for question 4. It does not seem likely that this would happen very often. Second, this circumstance would have to occur enough times at a single school for a specific language to affect whether that language crossed the 15 percent threshold. Therefore, it would affect only schools in which a given language was nearing the 15 percent threshold. It seems unlikely that these two unique circumstances would exist simultaneously at any particular school. However, because the home language survey is so fundamental to the state translation requirements, it is important that districts use the responses to question 4 correctly.

The department provides guidance to districts on this issue annually in its instructions for completing the language census. The instructions include the department's definition of primary language. This definition states, "A student's primary language is identified by the 'home language survey' as the language first learned, most frequently used at home, or most frequently spoken by the parents or adults in the home."

The Home Language Survey May Overstate the Need for Translations

Because the home language survey was not designed to identify those parents who are bilingual, it may overstate the need for translations.

As we mentioned previously, the home language survey may overstate the need for translations because it does not account for parents who are fluent in English. The survey was designed to identify the primary language that a student speaks at home and to determine whether the district must assess the student's English proficiency using the CELDT. It was not designed to identify those parents who are bilingual. Consequently, this tool may overstate the need for translations for those parents whose primary language is not English but who are also fluent in English. For example, the survey conducted by Bethune Elementary illustrated that the demand for translations in Tagalog at that school is significantly lower than the percentage of students for whom Tagalog is the primary language spoken at home. Similarly, the principal of San Diego's Hardy Elementary School (Hardy Elementary) asserted that the school tracks parents who require Vietnamese and Spanish translations based on feedback from parents at parent-teacher conferences. Data generated from its annual language census for fiscal year 2004–05 show that 19.6 percent of Hardy Elementary students speak Vietnamese as their primary language and 20.1 percent speak Spanish. However, the percentages of parents who, as of September 2005, had requested documents translated into Vietnamese and Spanish were only 9 percent and 14 percent, respectively.

To ensure that parents who need translated documents receive them, Los Angeles' student database records the language in which parents wish to receive correspondence separately from their child's primary language. School staff enter the desired correspondence language into the database, and Los Angeles uses this information to determine the language in which to send notices to parents. Los Angeles' schools can use the correspondence language in the same manner, allowing them to print and send the appropriate translated material to parents. Separately tracking parents' desired correspondence languages

To ensure that parents who need translated documents receive them, Los Angeles' student database records the language in which parents wish to receive correspondence separately from their child's primary language.

and the primary languages of their children enables Los Angeles and its schools to calculate the primary languages that meet the 15 percent threshold and then identify the subset of parents that actually require translated notices.

Some Languages Present Unique Translation Challenges

Another challenge that some districts face in translating notices is that differing dialects exist within certain languages. For example, Los Angeles' staff mentioned the possibility of miscommunication with parents who speak various Spanish dialects. According to staff we interviewed at San Diego and Bethune Elementary, Filipino, which is based on Tagalog, is another language that presents such challenges. San Diego explained that there are numerous regional dialects. In fact, school staff at San Diego's Bethune Elementary estimate that there are more than 100 distinct dialects. Further, San Diego's recently hired Tagalog translator explained that some dialects are written, but many are not. Written dialects use the same alphabet as English, except for some letters, but they do not have equivalents for many English words, particularly technical words. The translator also stated that in most cases it is not possible to do precise, word-for-word translations from English to Tagalog. Consequently, only the general meaning of each sentence can be translated. Moreover, while Tagalog is taught in the Philippines as a subject from early grades to the university level, English is also widely used and is the language of instruction in higher education.

To deal with the issue of some translations being more common depending on which Spanish-speaking region their students are from, the Los Angeles, San Diego, and Salinas districts have developed Spanish-English glossaries specific to the terms used in their respective districts. Grant High School has also developed its own Armenian-English glossary. The glossaries developed by Los Angeles and San Diego are oriented toward administration, business, legal, and parent-notification terminology, while those developed by Salinas and Grant High School contain curriculum terms that are oriented toward classroom instruction. To the extent that these glossaries streamline the translation process, increase the quality and consistency of translations, and remedy the problems of differing dialects, they would constitute a best practice for translation services.

Poor Planning and Time Constraints Also Lead to Noncompliance

In some unique circumstances, documents must be prepared on short notice and sent out quickly to parents. Examples of these types of documents include notices of a teacher walkout or inclement weather, certain special education documents, and notifications of an intruder on campus. Schools that depend on their districts for translations may not be able to send these types of documents to the district with enough lead time to have them translated. Consequently, schools may have no choice but to send these materials in English only.

Some districts leverage reusable documents by maintaining central files of frequently requested documents.

However, many school-generated documents are used year after year with only minor modifications. These types of materials include school calendars, notices of parent/teacher conferences, and notices of school events. Yet some schools may not notify their districts of translation needs for these documents on a timely basis and unnecessarily send many of them to parents in English only. Some schools and districts have taken steps to alleviate this problem. For example, Sacramento's Luther Burbank High School sent a memo to its teachers and coaches reminding them of translation requirements and advising them to plan ahead, since most translation needs are not surprises. Furthermore, Sacramento and other districts leverage reusable documents by maintaining central files of frequently requested documents.

Schools Do Not Receive Separate Funding to Meet Translation Requirements

A few of the districts we visited stated that they would need additional funding to meet the state translation requirements. The State does not reimburse schools for translation costs because when the state law was established, the Legislature referenced the Department of Finance's conclusion that it was based on preexisting federal requirements for school districts to provide translations and thus was not a state-mandated program. However, several state and federal programs have funds that can be used for this and other purposes, though translation needs must be balanced with the other purposes for which the funds are intended.

For example, Cupertino stated that it receives federal funds under Title III of the Elementary and Secondary Education Act of 1965 as well as state Economic Impact Aid—Limited English Proficient funds, which it could use for translations. However, Cupertino stated that because it perceives little demand for Mandarin translations, it chooses to spend these funds on its English learner

programs, which it considers a better use of these resources. Cupertino stated that it would need to hire additional personnel and purchase translation software in order to translate its current parental notices into Mandarin. It also stated that if it was required to provide translations with existing funding, Cupertino would have to send home fewer notices to parents. In addition, although none of the schools in Brisbane Elementary School District (Brisbane) currently have any primary languages other than English that exceed the 15 percent threshold, several languages are close. Like Cupertino, Brisbane indicated that if any of these languages crosses the 15 percent threshold, it would need additional funds to provide all required translations. Table 3 shows some of the funding sources that schools told us they use to provide translations.

TABLE 3

Sources of Funding That Schools Reported Using to Provide Translations

Program Name	Source of Funds	Purpose
Title I—Improving the Academic Achievement of the Disadvantaged	Federal	Ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education, which includes affording parents substantial and meaningful opportunities to participate in the education of their children.
Title III—Language Instruction for Limited English Proficient and Immigrant Students	Federal	Improve the education of English learners by assisting them in attaining English proficiency and meeting state standards for academic content and student academic achievement.
Economic Impact Aid—Limited English Proficient	State	Support programs for educationally disadvantaged youth and bilingual education.
English Language Acquisition Program	State	Improve the English proficiency of California's English learners in grades four through eight and better prepare them to meet state standards for academic content and performance.
Community-Based English Tutoring Program	State	Provide free or subsidized programs of English language instruction to parents or other adult members of the community who pledge to tutor English learners.
School-Based Coordinated Program	State	Provide flexibility to school sites in the use of certain categorical resources for students.
District general funds	School districts	Funds that may be used for any educational purposes.

Sources: Sacramento City Unified, Los Angeles Unified, Fountain Valley, Cupertino Union Elementary, San Diego Unified, Salinas Union High, Red Bluff Union Elementary, and Brisbane Elementary school districts.

Note: One school that we visited used two staff from AmeriCorps to provide translation services. AmeriCorps is a program of the Corporation for National and Community Service, a federal agency.

THE DEPARTMENT HAS PLAYED A LIMITED ROLE IN HELPING PUBLIC SCHOOLS COMPLY WITH TRANSLATION REQUIREMENTS

The department has a process that may assist schools in meeting the state translation requirements. However, recently passed legislation will increase the department's role in informing school districts about schools that are subject to the state translation requirements. Pursuant to state law, the department also created an electronic clearinghouse on its Web site in 2005 to assist local education agencies in locating existing translations.

Although Not Previously Required by State Law, the Department Assists Public Schools in Meeting Translation Requirements Through Its Monitoring Process

Starting in July 2005, the department's monitoring process determines whether selected schools met translation requirements for information on school and parent activities involving parents of English learners and for uniform complaint procedures.

Historically, state law has not required the department to inform California public schools of state translation requirements or to monitor compliance with these requirements. However, as discussed later in this report, recently passed legislation will require the department to do so beginning in January 2007. Nonetheless, the department has a process that may assist schools in meeting these requirements. Specifically, from 2000 to 2005, the department performed limited monitoring of schools' compliance with this law. As part of its coordinated compliance review process, the department verified whether schools translated two specific documents into any primary languages spoken by at least 15 percent of the students in each school. The two documents were the English-language and primary-language proficiency assessment results notice and the notice describing program options for English learners. During this time, the department did not test whether any other notices, reports, and statements sent to parents from the schools it reviewed met translation requirements. However, starting in July 2005, the department's review forms show that it monitored schools' compliance with this law by determining through its new Categorical Program Monitoring process (monitoring process) whether selected schools met translation requirements for information on school and parent activities involving parents of English learners and for uniform complaint procedures.

The department's monitoring process reviews compliance with various state and federal laws. For fiscal year 2005–06, the process included 19 specific reviews, such as English Learners, Educational Equity, and Migrant Education, most of which are tied to specially funded programs. Two of these program reviews, English Learners and Uniform Complaint Procedures, include references to the state translation requirements.

If any languages meet the 15 percent threshold at a school under review, department reviewers determine whether documentation of compliance with state translation requirements exists for the categorical programs under review.

Although these two reviews monitor schools' translation of program-related documents, a third review, titled Cross Program, was designed to enhance the department's monitoring of those legal requirements that apply across categorical programs. The Cross Program review directly tests compliance with the state translation requirements for the categorical programs under review. Department staff indicated that during a monitoring visit they use the most recently available language census and enrollment data to determine whether a school has any languages that require translations. If any languages meet the 15 percent threshold at the school, the department reviewers determine whether documentation of compliance with the state translation requirements exists for the categorical programs under review. According to the department, its reviewers did not perform all of the 19 reviews on every monitoring visit; rather, the reviews are selected based on whether the site meets specific program criteria. However, the department stated that its reviewers perform the Cross Program and Uniform Complaint Procedures reviews during every visit.

According to the department, all school districts and county offices of education are subject to monitoring on a four-year cycle to test their compliance with a selection of reviews; however, it selects only a sample of schools to visit within each district. The department's site selection criteria for its monitoring process include districts and county offices of education that have not met academic performance targets or that have unresolved findings of noncompliance with state and federal categorical program requirements. In addition, the department selects a random sample of sites that do not meet the other selection criteria. Of the 96 districts and county offices of education that the department reported visiting during fiscal year 2005–06 and testing for compliance with the Cross Program review, it found that 20, or 21 percent, were out of compliance with the requirement to translate notices about school and parent activities. According to the department's procedures for resolving findings of noncompliance, a district or county office of education has 45 days to correct the identified problem. If the problem cannot be resolved within 45 days, the department may allow the district or county office of education to sign a formal compliance agreement to correct the problem within an additional 180 days.

For fiscal year 2005–06, the department reported that it provided training on its monitoring process at various statewide locations for districts, schools, and county offices of education. This training included a document that contained a reference to schools' translation obligations under state law as one of many

compliance requirements within categorical programs. Some training materials are also available on the department's Web site, and the department encourages districts to contact it when they have compliance-related questions.

In addition, the department created the optional Ongoing Program Self-Evaluation Tool to aid districts and county offices of education in creating and maintaining compliant categorical programs. This tool has been available on the department's Web site since July 2005, and it paraphrases the state translation requirements. However, it does not include instructions on how schools should perform the calculation to determine which languages require translation. During our site visits, staff at a few of the districts reported that they were using this tool, while staff at most of the schools stated that they were not.

New Legislation Will Increase the Department's Role

Recently enacted legislation requires the department to notify districts of the languages that require translation and to monitor schools' adherence to the state translation requirements.

Recently enacted legislation revises state law to require the department to take a larger role in ensuring public schools' compliance with the state translation requirements. Specifically, Chapter 706, Statutes of 2006, which is effective January 1, 2007, requires the department to monitor schools' adherence to the state translation requirements as part of its monitoring process. As we discussed previously, the department already largely incorporated this function into its monitoring process in 2005. However, this legislation also requires the department to begin notifying districts by August 1 of each year of the schools within each district, and the primary languages other than English, for which the translation of notices is required under state law. Although this will be a new function for the department, it already gathers the language census and enrollment data it will need to provide this notification to districts.

We believe that certain provisions of this legislation will increase schools' compliance with translation requirements. In particular, we believe that the provision requiring the department to begin notifying districts annually of the languages requiring translations at each of their schools will help alleviate the condition we noted in our survey and site visits in which schools were not aware of the state translation requirements or incorrectly determined the languages that required translations. For example, our survey indicated that 16 percent of schools were not aware of the state translation requirements. Among the districts we visited, Fountain Valley was incorrectly determining

the languages that required translations, and San Diego, Cupertino, and Los Angeles were not providing required translations in Tagalog, Mandarin, and Farsi, respectively.

Although Not Extensively Utilized, the Clearinghouse for Multilingual Documents Could Become a Useful Tool

The purpose of the clearinghouse is to provide increased access to translated documents, to assist local education agencies in meeting legal requirements for parental notification, and to reduce redundancy in document translation work.

Through budget acts for fiscal years 2004–05 through 2006–07, the department has received three installments of $267,000 each, for a total of $801,000 to establish a voluntary Internet-based electronic clearinghouse for multilingual documents (clearinghouse) on which local education agencies and the department can post links to translated parental notices. The purpose of the clearinghouse is to provide increased access to translated documents, to assist local education agencies in meeting legal requirements for parental notification, and to reduce redundancy in document translation work. The department also received $450,000 in each of fiscal years 2005–06 and 2006–07 to fund translations of prototype parental notices into languages other than English to be posted on the clearinghouse. This budget act provision requires the department to build upon preexisting, high-quality translations available from school districts, county offices of education, and other entities before using the funds to create prototype documents. In addition, the department was to convene a translations advisory group composed of various stakeholders such as the Department of Finance, the Legislative Analyst's Office, legislative staff, the Office of the Secretary of Education, relevant organizations, local education agencies, and parents with limited proficiency in English who have children in public schools. Table 4 summarizes the requirements of these budget acts and the department's progress.

Launched in September 2005, the clearinghouse is an online resource designed to help local education agencies locate, access, and share parental notification documents that have been translated into languages other than English. Through the clearinghouse, local education agencies voluntarily provide information regarding translations they have made and are willing to make available to others. The department hosts the clearinghouse on its Web site. According to the department's Web site, registered users can add, delete, or edit descriptions

TABLE 4

The California Department of Education Has Implemented Budget Act Provisions Requiring It to Establish the Clearinghouse, but Has Not Yet Translated Prototype Documents

Reference	Legislative Requirements	Department's Progress as of September 2006
Budget acts of 2004, 2005, and 2006	Provided the department $267,000 in each fiscal year to develop an Internet-based electronic clearinghouse system. The purpose of this clearinghouse is to improve the availability of translated parental notices at the local level and reduce the local costs of providing these documents by eliminating duplication of effort in translating standard documents.	The department established an Internet-based electronic clearinghouse in September 2005.
Budget acts of 2005 and 2006	Provided the department $450,000 in each fiscal year to translate state prototype documents into languages other than English and to post these translated documents on its clearinghouse. Before spending these funds, the department must build upon preexisting, high-quality translations available from school districts, county offices of education, and other entities that have translated relevant documents.	The department stated that it advertised a request for qualifications with a submission deadline of September 7, 2006, to identify contractors who can translate prototype documents.
Budget acts of 2005 and 2006	Required the department to convene a translations advisory group to assess and identify gaps in the types of documents being translated and the languages covered by translations, to prioritize vital documents that should be translated as well as the languages in greatest need of translation, and to provide feedback and input to the department.	The department established the translations advisory group, which met in April and June 2006.

and links or contact information to obtain translated documents, and any user can search the clearinghouse for documents by language, keyword, and document type. Search results include the title and a brief description of each document, the language in which the document is available, the translator type, the format of the file, and links to the English and translated versions of each document. Users can use the links to access and download translated documents and then customize them as needed for their particular situation or contact the person listed to obtain a copy of the document.

According to the department, it does not review the quality of translated documents of contributing districts that are available through its clearinghouse, and its clearinghouse includes a disclaimer stating that the department is not responsible for the content of other agencies' translated documents. However, it does take responsibility for the quality of any documents of its own that it links to the clearinghouse. In addition, the clearinghouse user agreement requires local education agencies to comply with any proprietary, intellectual property, or copyright restrictions imposed by the owner or copyright holder of all translated documents. These copyright issues could potentially limit the ability of school districts to post translated parental notices to the clearinghouse.

The department has promoted the clearinghouse by sending two informational letters to all county and district superintendents, as well as to direct-funded charter school principals, encouraging them to participate by adding translated parental notices to the clearinghouse. According to the department, it also distributed a flyer promoting the clearinghouse at several conferences, meetings, and presentations and has contacted a variety of potential contributors and users of the clearinghouse, both by telephone and electronic messages, to request their participation. In addition, the department has encouraged its divisions to make adding links to existing translated notices a priority. During the year since it launched the clearinghouse, the department has reported an increase in the number of translated documents available through the clearinghouse. For example, according to the department, the number of translated documents rose from 81 in mid-May 2006 to 230 as of mid-September 2006. In addition, the department reported that 4,336 searches and 1,650 downloads had occurred and that there were 233 registered users representing 177 agencies as of mid-September.

According to the department, the number of translated documents available through the clearinghouse rose from 81 in mid-May 2006 to 230 as of mid-September 2006.

The links to notices hosted on the clearinghouse, while helpful to some users, present several limitations. For example, as of mid-September 2006, 80 percent of the documents available through the clearinghouse were in Spanish, while only 4.4 percent were in Vietnamese, 3 percent in Russian, 2.6 percent each in Cantonese and Rumanian, 2.2 percent each in Somali and Ukrainian, 1.3 percent in Lao, 0.9 percent in Khmer, and 0.4 percent each in Hmong and other Asian languages. In addition, only 10 of the 18 notices we inquired about in our survey were available through the clearinghouse, and most were available in Spanish only. The documents from our survey that were available in Spanish only included the CELDT results notice, the Title I English learner program notice, uniform complaint procedures, the home language survey, parental rights and responsibilities notices, the parent/student handbook, unexcused absences notices, truancy notices, and a parent-teacher meeting notice. Suspension notices were available in Spanish, Khmer, Lao, Somali, and Vietnamese. A notice of a zero tolerance policy, which is a component of district parental rights and responsibilities, was available in Spanish, Lao, Somali, and Vietnamese. We found that 40 percent of the documents on the clearinghouse were translated by certified staff translators, 3.4 percent by translation services, 28.3 percent by noncertified staff, and 28.3 percent by volunteers. We also tested the links on the clearinghouse and found that most of them worked.

The department had posted 39 percent of the translations, while three districts had posted the majority of the other translations: Atascadero Unified (28 percent), San Juan Unified (11 percent), and San Diego (9 percent). Other contributing districts were San Francisco Unified, Fontana Unified, San Jose Unified, El Rancho Unified, Bakersfield City, Corona-Norco Unified, American Union Elementary, Livingston Union Elementary, and Sweetwater Union High.

Most of the documents listed in the clearinghouse are in either Portable Document Format (PDF) or text format. Although the software to display and read PDF files is free, these files cannot be customized without specialized software. Users who do not have this software must copy the text and reformat the notice using common word processing software. Text files, by contrast, are easily edited with commonly available word processing programs.

The clearinghouse does not have as many translated notices available as it could have, and some of the ones that are missing would be especially important to parents. For example, we found that translations for the CELDT test results interpretation guide are available on the test contractor's Web site in Armenian, Chinese, Hmong, Khmer, Korean, Punjabi, Russian, Spanish, Tagalog, and Vietnamese, but the department had made available a link to only the Spanish version of this notice on the clearinghouse. We also found that Standardized Testing and Reporting result notices are available in Chinese, Hmong, Korean, Spanish, Tagalog, and Vietnamese on another test contractor's Web site, yet the department had none of these translations available on the clearinghouse. In addition, one of the department's own divisions had a link to the California High School Exit Examination results notice in Spanish, but this notice was not listed on the clearinghouse. The department received funding for only one position to manage the development and maintenance of the clearinghouse, which may explain some of these deficiencies.

The value of the clearinghouse as a resource cannot truly be achieved without greater participation from school districts.

Finally, despite the department's efforts to promote the clearinghouse, it has not achieved much participation from school districts. As we discussed previously, 12 districts have made translated documents available through the clearinghouse. In addition, during our visits to eight districts and 16 schools, we found that while most districts had heard of the clearinghouse, most schools had not. Moreover, some of the larger districts we visited, which would be potential contributors to the clearinghouse, cited disincentives for participating. For example,

these districts saw little benefit to themselves and a high cost of participation because of the time and effort required to prepare translated documents to be added to their own Web sites and to post document descriptions and links on the clearinghouse. However, the value of the clearinghouse as a resource cannot truly be achieved without greater participation from school districts.

According to the department, it advertised a request for qualifications to contract with qualified translation services to translate parental notifications and information documents and conduct a first review for accuracy and quality; submit completed translations to an independent contractor for a second review; and, in the event of a disagreement among translators, seek a third review from another contractor. The department expects contractors to begin translating prototype documents by the end of 2006, after approval of all contracts by the Department of General Services. According to the department, its various divisions have identified and prioritized 90 parental notification documents to be translated first by the contractors. Topics covered by this first round of notices include curriculum, truancy, nutrition, special education, migrant education, health, testing, and safety notices, some of which are required by specific laws or regulations. The department has also established the required translations advisory group, which has met twice, most recently in June 2006. The group has begun to discuss its statutory responsibilities and to provide the department with suggestions related to the clearinghouse. The group plans to meet again in October 2006.

The department has the ability to use its existing funding to build coalitions of districts of all sizes that need to translate documents into languages common to those districts, as well as to use outside contractors to increase the clearinghouse's availability of translations in languages for which compliance with the state translation requirements is more limited, such as Mandarin and Hmong. The results of our survey show that the department may not need to devote as many resources to Spanish translations as it would to translations in these other languages, because the rate of compliance with state translation requirements is high for Spanish.

RECOMMENDATIONS

To ensure that translated notices are sent only to parents who need them, the department should modify the home language survey to include a question asking parents to indicate the language in which they would like to receive correspondence. To ensure that this modification does not conflict with current law, the department should seek legislation to amend state law to allow parents to waive the requirement that they receive translated materials in their primary language when they do not need such translations.

To increase the value of the clearinghouse as a resource for translated parental notices, the department should do the following:

- Encourage school districts to form coalitions with other districts that need to translate documents into languages they have in common for the purpose of leveraging their combined resources to translate standard parental notices. To facilitate this, the department should also develop a mechanism whereby school districts can identify other districts that need to translate documents into languages they have in common. The department could choose to provide a list of languages that need to be translated and all districts that need to translate each language on its clearinghouse Web site.

- Consider using its available funding to encourage districts to upload links to their translated documents, especially in languages currently underrepresented in the clearinghouse.

- Add links in the clearinghouse to its contractors' Web sites that contain translated parental guides for Standardized Testing and Reporting and CELDT exam results, and to its own Spanish version of the California High School Exit Examination results notice.

- Encourage clearinghouse contributors to post links to translated notices in text file formats so that users can easily customize the documents.

We conducted this review under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Date: October 26, 2006

Staff: Nancy C. Woodward, CPA, Audit Principal
Michael Tilden, CPA
Michelle J. Baur, CISA
Daunée Hurst
Nick Lange
Ben Ward
Lea Webb

APPENDIX

Results of a Survey of California Public Schools' Compliance With the State Translation Requirements

In order to determine compliance with state translation requirements, we sent an electronic survey to 359 schools. We selected these schools at random from a population of 5,419 schools that each had at least one primary language other than English that exceeded 15 percent of the school's total enrollment. We excluded certain types of schools from our review. Specifically, we excluded charter schools because they are not subject to the state translation requirement; California Youth Authority schools because they are not within the control of the California Department of Education (department); and county office of education schools because they provide special and vocational education programs for youths at risk of failure, and instruction to youths in juvenile detention, which are not typical school populations and are few enough not to affect our results.

In addition, our survey includes only a sample of the notices that schools typically send home to parents. It does not include documents that are available to parents upon request. For example, although the school accountability report card can provide parents with valuable information about their child's school, we did not include this document in our survey because it is not always sent to parents, but rather is made available at parents' request. Furthermore, we did not include school notices or information related to special education in our review because the translation requirements and related time frames are more stringent for special education notifications.

Of the 359 schools we surveyed, 292 schools, or 81 percent, responded to our survey. Table A.1 shows the number of responding schools at which translations are required for each of the primary languages included in our survey. This table also details the number of notices included in our survey that responding schools reported translating. In addition, the table summarizes the number of notices that respondents reported that they translated and those that they did not translate for each primary language. This table also summarizes the number of notices by language for which we did not receive a response from the surveyed schools. Finally, Table A.1 shows the number of notices for each primary language that responding schools reported not using.

TABLE A.1

Compliance With Translation Requirements

	Primary Languages									
	English Only	Spanish	Cantonese	Vietnamese	Mandarin (Putonghua)	Hmong	Korean	Armenian	Somali	All Other Non-English Languages
Number of responding public schools at which translations are required for each given language	15	271	9	7	2	3	3	1	0	6
Notices Included in Survey	**Number of Responding Schools Providing Required Translations**									
Exam Notices										
California High School Exit Examination (CAHSEE) results (Education Code 51101 [a] 5)		63	1	2	1	0	0	0	0	1
California English Language Development Test (CELDT) results (Education Code 51101.1 [b]		251	8	7	1	2	3	1	0	4
Standardized Testing and Reporting (STAR) results (Education Code 51101 [a] 5)		220	7	6	2	1	3	1	0	1
School, Student, and Parent Rights and Responsibilities Notices										
No Child Left Behind Act of 2001 (NCLB) teacher qualifications notice (NCLB, Title I, Section 1111 [h] 6)		242	5	6	1	1	3	1	0	4
NCLB English Language Learner Program enrollment notice (NCLB, Title I, Section 1112 [g] 1 {A})		254	6	7	1	2	3	1	0	4
Uniform complaint procedures (Title 5, California Code of Regulations 4622)		255	7	6	2	2	2	1	0	5
Enrollment options notice (Education Code 48980 [h])		247	6	6	1	2	2	1	0	4
Home language survey (Education Code 52164.1 [a])		265	7	7	1	2	3	1	0	4
District parental rights and responsibilities (Education Code 48980)		259	7	7	1	2	3	1	0	4
Parent/student handbook		219	6	5	1	1	3	1	0	4
Academic and Disciplinary Notices										
Progress report		209	3	4	1	1	3	1	0	3
Report card		219	3	4	0	0	3	1	0	4
Unexcused absences notice (Education Code 51101 [a] 4)		231	5	4	1	1	3	1	0	4
Truancy notice (Education Code 48260.5)		228	7	7	1	1	2	1	0	4
Suspension notice (Education Code 48911 [d])		213	6	6	1	0	3	1	0	4
Meeting Notices										
Parent/teacher meeting notice		249	5	5	1	2	3	1	0	4
English Learner Advisory Committee (ELAC) meeting notice (20 United States Code Section 7012 [e] 2)		257	6	5	1	2	3	0	0	4
District English Learner Advisory Committee (DELAC) meeting notice (20 United States Code Section 7012 [e] 2)		255	7	5	1	2	3	1	0	4

	Primary Languages									
	English Only	Spanish	Cantonese	Vietnamese	Mandarin (Putonghua)	Hmong	Korean	Armenian	Somali	All Other Non-English Languages
Number of notices translated by respondents	NA	4,136	102	99	19	24	48	16	0	66
Number of notices not translated by respondents	NA	398	46	19	16	26	2	0	0	36
Subtotals	**NA**	**4,534**	**148**	**118**	**35**	**50**	**50**	**16**	**0**	**102**
Number of notices for which we did not receive a response	NA	1,134	0	54	36	18	0	0	18	0
Subtotals	**NA**	**5,668**	**148**	**172**	**71**	**68**	**50**	**16**	**18**	**102**
Number of notices that responding schools reported as not used	NA	343	14	8	1	4	4	2	0	6
Totals	**NA**	**6,011**	**162**	**180**	**72**	**72**	**54**	**18**	**18**	**108**

Note: Number of responding public schools aware of California Education Code, Section 48985 — 246. Number of responding public schools not aware of California Education Code, Section 48985 — 46

Table A.2 shows the extent to which survey respondents are translating parental notices into languages that do not meet the 15 percent threshold at their schools. For example, this table shows the number of responding schools that provide additional translations in the noted primary languages. This table also details the number of responding schools that reported translating any of the notices included in our survey. In addition, the table summarizes the number of notices that respondents reported that they translated and those that they did not translate for each primary language. Finally, Table A.2 also shows the number of notices for each primary language that responding schools reported not using.

TABLE A.2

Additional Translations Beyond Those Legally Required

Notices Included in Survey	Spanish	Cantonese	Vietnamese	Mandarin (Putonghua)	Hmong	Korean	Armenian	Portuguese	Filipino (Pilipino or Tagalog)	All Other Non-English Languages
Number of responding schools at which additional translations are provided	19	17	28	18	20	18	12	9	21	140
Notices Included in Survey	**Number of Responding Schools Providing Additional Translations**									
Exam Notices										
California High School Exit Examination (CAHSEE) results (Education Code 51101 [a] 5)	0	3	5	1	3	3	0	0	0	5
California English Language Development Test (CELDT) results (Education Code 51101.1 [b])	15	6	12	5	8	5	1	0	5	21
Standardized Testing and Reporting (STAR) results (Education Code 51101 [a] 5)	13	6	13	5	6	7	2	0	6	18
School, Student, and Parent Rights and Responsibilities Notices										
No Child Left Behind Act of 2001 (NCLB) teacher qualifications notice (NCLB, Title I, Section 1111 [h] 6)	12	5	11	4	4	5	2	0	3	13
NCLB English Language Learner Program enrollment notice (NCLB, Title I, Section 1112 [g] 1 {A})	14	6	14	6	6	7	3	0	5	15
Uniform complaint procedures (Title 5, California Code of Regulations 4622)	15	6	12	6	4	5	2	0	3	13
Enrollment options notice (Education Code 48980 [h])	14	4	13	6	3	8	3	0	4	13
Home language survey (Education Code 52164.1 [a])	17	11	21	13	14	14	10	9	12	124
District parental rights and responsibilities (Education Code 48980)	12	5	11	4	3	5	2	0	2	12
Parent/student handbook	9	3	10	4	2	4	3	0	2	10
Academic and Disciplinary Notices										
Progress report	9	3	8	4	0	5	3	0	4	5
Report card	10	5	8	4	0	6	3	0	4	8
Unexcused absences notice (Education Code 51101 [a] 4)	12	0	6	2	0	4	1	0	1	5
Truancy notice (Education Code 48260.5)	12	1	7	2	1	4	1	0	1	6
Suspension notice (Education Code 48911 [d])	13	1	6	3	0	5	2	0	2	6
Meeting Notices										
Parent/teacher meeting notice	14	0	2	1	1	2	0	0	1	2
English Learner Advisory Committee (ELAC) meeting notice (20 United States Code, Section 7012 [e] 2)	16	3	8	4	3	4	0	0	1	9
District English Learner Advisory Committee (DELAC) meeting notice (20 United States Code, Section 7012 [e] 2)	16	3	9	4	1	5	1	0	3	11
Number of notices translated by respondents	223	71	176	78	59	98	39	9	59	296
Number of notices not translated by respondents	86	200	279	212	258	190	149	137	277	1,901
Subtotals	**309**	**271**	**455**	**290**	**317**	**288**	**188**	**146**	**336**	**2,197**
Number of notices that responding schools reported as not used	33	35	49	34	43	36	28	16	42	323
Totals	**342**	**306**	**504**	**324**	**360**	**324**	**216**	**162**	**378**	**2,520**

Table A.3 lists the alternate methods survey respondents reported using to communicate with parents, and the extent to which they are employing these methods.

TABLE A.3

Alternate Methods for Parent Notification Used by Schools

	Primary Languages								
	Spanish	Cantonese	Vietnamese	Mandarin (Putonghua)	Hmong	Korean	Armenian	Filipino (Pilipino or Tagalog)	All Other Non-English Languages
Number of responding schools at which alternate methods of parent notification are being used	273	10	13	1	7	7	1	2	13
Alternate Methods of Parent Notification	**Number of Responding Schools Providing Alternate Methods of Parent Notification**								
Computer/Telephone	178	3	8	1	3	4	1	2	8
Flyers	259	9	9	1	5	7	1	1	9
Newsletter	205	4	6	1	1	4	1	0	4
Newspaper	38	2	2	0	1	3	1	0	1
Radio	20	0	2	0	0	0	0	0	3
Television	16	0	0	0	0	1	1	0	0
Web site	55	1	4	0	0	2	0	0	0
Other	22	0	1	0	0	0	0	0	0

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Agency's Comments provided as text only.

Cupertino Union School District
10301 Vista Drive
Cupertino, California 95014-2091

October 11, 2006

Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

To Whom It May Concern:

This letter is the Cupertino Union School District's response to the redacted draft copy of the Bureau of State Audits report entitled "California Public Schools: *Compliance With Translation Requirements Is High for Spanish but Significantly Lower for Some Other Languages."* The district reviewed the redacted draft copy and would like to respond to the section titled *"Some Districts Are Using Responses From the Home Language Survey Incorrectly,"* which can be found on page 14* of the redacted draft copy.

The report states that the Cupertino Union School District does not use the answer to question 4 of the Home Language Survey when determining the primary language of their students if the responses to each of the first three questions is English and are potentially understating the number of students whose primary language is not English. The report cites the California Department of Education's guidance to districts administering the home language survey as "if a language besides English is indicated for any question on the survey, that language is to be designated as the student's primary language."

The district would like to take this opportunity to clarify the process that we use regarding the responses registered on question 4 of the Home Language Survey. It is consistent with the directions provided by the Santa Clara County Office of Education. The County Office of Education has indicated the following instructions to the district:

"Pupils for whom the response to each of the first three questions is English, but for whom a language other than English is indicated in response to question number four, need not be assessed for English language proficiency unless the district feels there is reasonable doubt as to the student's proficiency. Such pupils not assessed are to be reported on the Annual language census as Fluent English Proficient (FEP)."

Therefore based on your findings, there is a discrepancy between the direction of the California Department of Education and the Santa Clara County Office of Education.

Sincerely,

(Signed by: Linda Denman)

Linda Denman
Assistant Superintendent of Instruction

* Text refers to page number in an earlier draft version of the report.

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Agency's Comments provided as text only.

Fountain Valley School District
10055 Slater Avenue
Fountain Valley, CA 92708

October 11, 2006

Elaine M. Howle, State Auditor*
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Attention: Tanya Elkins

Dear Ms. Elkins:

Enclosed is the final response from Fountain Valley School District regarding the May, 2006 audit, as well as the requested copy on diskette. Please do not hesitate to call if you require anything further.

Sincerely,

(Signed by: Patricia Minnesang)

Patricia Minnesang
Director
Categorical Programs/Technology

Enclosures

* California State Auditor's comments appear on page 51.

Fountain Valley School District
10055 Slater Avenue
Fountain Valley, CA 92708

Fountain Valley School District's Written Response to the Bureau of State Audits Translation Audit of May 2006

The Fountain Valley School District intends to clarify and restate its position regarding the audit report dated October 2006. The District believes it complies with the law requiring translation of documents for parents of English learners. This is a commitment the District makes to its DELAC members and to the local school sites.

Although the District misinterpreted the law, the District does comply with the law, as a matter of policy, to provide translations to the parents whose home language is anything other than English as part of its mission. It is District policy and practice to provide services, first and primary (including translations), to better meet the needs of parents and children in delivering instruction and providing a strong and accessible education.

The vary nature of the entitled document, "California Public Schools: Compliance with Translation Requirements is High for Spanish but Significantly Lower for Some Other Languages" makes a very telling and critical assertion about the state of California and the demands placed upon school districts. Districts struggle to stay ahead of the language curve. This issue requires money, time, and personnel. Although there are multiple funding sources available to districts, the competing needs for the same dollars grow experientially in relation to the increase in student bilingual population, increase in language groups entering the state, and proportionally the increase in demand for services within any one district and within any one school year.

The following added information provides clarification of the District's position to the statements and comments contained within the final document where the Fountain Valley School District is specifically named and identified. The intent of this response is to provide additional context to the information contained within the document.

> The Fountain Valley schools rely upon centralized services for translations needs. Although none of the Fountain Valley School District schools hire outside contractors to translate documents, the school district does contract with the Language Connection of Irvine, California. The District relies upon this organization to assist us in translating large documents that are time intensive. These are usually documents that the District uses when providing parent training throughout the school year (i.e., California State Standards in Reading and Mathematics).
>
> Fountain Valley School District does have a primary translator assigned for Spanish documents. All district-wide translations for Spanish are done by this individual. A secondary tester (hired on a part-time basis and a former employee), does review Spanish documents. However, District bilingual tutors and testers, at times, will translate documents when needed by the schools or when demand outweighs personnel at the District level. When this occurs, the primary translator does review all documents prepared by tutors and testers before the document is typed, sent back to the school, and distributed to the community.

Fountain Valley School District does have a primary translator assigned for Vietnamese documents. She will cross check all documents translated by outside contract agencies before they go home. This process is used to maintain quality control and consistency in academic language used across the District.

Both primary translators are college graduates and both are deemed by the District Personnel Office, as proficient in their primary language (based upon testing—listening, speaking, reading, and writing—when hired). This is the quality assurance the District has in place. The District does not have the resources to hire personnel who do nothing but translate documents. There is not a Translation Department housed at the central office. The District translators have other duties and responsibilities assigned to them in addition to translation. A small district must maximize its personnel to best meet the needs of the staff, the students, and the community.

The Fountain Valley School District and the schools prioritize documents depending upon content (report cards, field trip notices, conference requests, etc.) that affect academic progress or involve legal permission from parents. The District assists the schools in complying with all legal requirements and those driven by NCLB. The schools rely upon the District to translate most documents since the translators are assigned to the Categorical Program Office. The central office prioritizes based upon legal requirements and parent requests first, school requests second, and parent training materials third. Again, with limited resources, the District places a high value on the translation of documents that are required by statute.

Vietnamese is the District's primary language (after English) spoken at home in Fountain Valley. It is a matter of policy and practice that the District addresses the needs of the community-at-large. The District has made a commitment to the District English Language Advisory Committee and as stated in the English Learner Master Plan, translations will be made "consistently and purposefully."

Both School and Library Improvement Coordinators from the two schools reviewed were included on the interview panel. Both Coordinators are very aware of the CPM instruments and OPSETS. The Fountain Valley School District Categorical Program Office has been working with staffs to show the connections between the instruments, the Single Plan for School Achievement and fiscal expenditures in preparation for the District CPM review in 2007–08.

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COMMENT

California State Auditor's Comment on the Response From the Fountain Valley School District

To provide clarity and perspective, we are commenting on the Fountain Valley School District's (Fountain Valley) response to our audit. The number below corresponds to the number we have placed in its response.

● As noted on page 19 of our report, Fountain Valley translated documents into the required language but was not sending the translated materials to all the parents that it should. Specifically, Fountain Valley translates most notices into Vietnamese, but its policy was to send these translated documents only to the parents of Vietnamese-speaking students classified as English learners. Fountain Valley did not send translated documents to parents of students who are fluent in English unless requested, even though Vietnamese is the primary language spoken in these students' homes. Therefore, Fountain Valley was not fully in compliance with the state translation requirements.

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Agency's Comments provided as text only.

Los Angeles Unified School District
Office of the General Counsel
333 S. Beaudry Avenue, 24th Floor
Los Angeles, California 90017

October 11, 2006

Elaine M. Howle, State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

Attached you will find the response of the Los Angeles Unified School District to your draft report, *California Public Schools: Compliance With Translation Requirements Is High for Spanish but Significantly Lower for Some Other Languages (2005-137).*

Although there were no recommendations in the report that were addressed to specific school districts, our staff felt it was important to respond to the section titled, *California Public Schools Do Not Always Translate Required Documents for a Variety of Reasons,* in order to share the efforts that the District is making in this regard.

We thank your staff for the professional work that they have done.

If you have any questions, or require further information, please contact Jan Cazares, Administrative Coordinator, at (213) 241-6601.

Sincerely,

(Signed by: Kevin S. Reed)

Kevin S. Reed
General Counsel

Los Angeles Unified School District
Office of the General Counsel
333 S. Beaudry Avenue, 24th Floor
Los Angeles, California 90017

October 11, 2006

Elaine M. Howle, State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

The Los Angeles Unified School District is pleased to respond to your draft report numbered 2005-137, titled, *California Public Schools: Compliance With Translation Requirements Is High for Spanish but Significantly Lower for Some Other Languages,* even though the report does not include any specific recommendations for individual school districts.

The section titled *California Public Schools Do Not Always Translate Required Documents for a Variety of Reasons,* page 15*, mentions that Los Angeles Unified School District is currently exploring options for obtaining the necessary resources to provide Farsi translations. Options are being identified and we are closer to securing the resources needed to reinstate the translation services at the district level to support the three schools that are required to provide communication to parents in Farsi. These three schools have been using their own resources to communicate with parents in their home language since the service was interrupted.

It is also stated on page 15* that the District should allocate financial resources first to the languages that are required by state law. The District continues to provide translation services in Vietnamese because the number of parents that benefit from the communication in Vietnamese has remained close to the required percentage for many years and because it is anticipated that a single school will soon reach the point at which it will be required to provide the services. At the district level, the Translation Unit monitors the number of requests for the different languages for which it offers translation services, and Vietnamese continues to be a highly requested language.

It is the goal of the District to continue to offer translation services for the languages that are currently provided by the Translation Unit, and to add the staff and resources in Farsi as soon as possible. If you have any questions, please contact me at (213) 241-6601.

Sincerely,

(Signed by: Janet D. Cazares)

Janet D. Cazares
Administrative Coordinator

* Text refers to page number in an earlier draft version of the report.

Agency's Comments provided as text only.

Sacramento City Unified School District
Office of the Superintendent
5735 47th Avenue
Sacramento, CA 95824

October 11, 2006

Elaine M. Howle, State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

Thank you for the opportunity to review and comment on the redacted draft of your audit report, titled "California Public Schools: Compliance With Translation Requirements Is High for Spanish but Significantly Lower for Some Other Languages," received on October 4, 2006.

Sacramento City Unified School District appreciates the recognition in your report of the many methods we use to communicate with parents who speak a single primary language other than English.

In response to the report's description of the District's use of responses from the Home Language Survey, the District acknowledges the importance of using all four questions in determining the primary language of students. The District will create a mechanism to record the primary languages of the parents of our English Learners based on the information provided by the survey.

Sincerely,

(Signed by: M. Magdalena Carrillo Mejia, Ph.D.)

M. Magdalena Carrillo Mejia, Ph.D.
Superintendent

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Agency's Comments provided as text only.

San Diego Unified School District
Eugene Brucker Education Center
4100 Normal Street
San Diego, CA 92103-2682

October 12, 2006

Ms. Elaine M. Howle
State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

We recognize our duty to provide excellent translations for parents in keeping with state requirements. We are committed to communicating school and district information to all parents so they can help their children receive a better education.

We deeply appreciate the recent statewide honor from State Superintendent Jack O'Connell for our Translations Services' major contributions to the State Clearing House for translations. The quality and quantity of their work now exceeds 6,000 pages per year.

Although the San Diego Unified School District meets or exceeds state requirements in most language translations, we recognize the need to provide more Tagalog and Somali translations. We have added staff and expect to be in full compliance with state requirements in 90 days.

- We have informed all schools and key offices of the state requirements and will make certain everyone responsible for providing translations to parents will do so.

- The most important outcome of this audit is that the students, parents and families in our school district will be better informed and better served by excellent translations than ever before.

- We believe that every student can learn, and every parent can help. Effective communications with parents is crucial to making that happen.

I applaud your efforts and pledge the full cooperation and support of the San Diego Unified School District and everyone here who is committed to making this the best large urban school district in America.

Sincerely,

(Signed by: Jeno Florez)

Jeno Florez
for Carl A. Cohn Superintendent of Schools

P.S. The State Department of Education's Clearing House is an excellent asset to share translations. We are encouraging our Translation Services Unit to expand its contributions to the State Clearing House and to share its translations with any school or district that requests them.

cc: Members of the Legislature
Office of the Lieutenant Governor
Milton Marks Commission on California State Government Organization and Economy
Department of Finance
Attorney General
State Controller
State Treasurer
Legislative Analyst
Senate Office of Research
California Research Bureau
Capitol Press